

RICK A. YARNALL  
CHAPTER 13 BANKRUPTCY TRUSTEE  
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E-FILED

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

IN RE:  
RUBILYN M. FERNANDO

CASE NO: BKS-16-13250-LED

CHAPTER 13

Hearing Date: 9/8/2016

Hearing Time: 1:30 PM

PRO SE DEBTOR  
Attorney for the Debtor

**TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN  
COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

Chapter 13 Bankruptcy Trustee, RICK A YARNALL, TRUSTEE, hereby objects to confirmation of the Chapter 13 Plan. The Debtor filed for Chapter 13 relief on 6/15/2016. The 341(a) Meeting of Creditors held on 8/2/2016 at 9:00 am was continued. The Trustee objects to confirmation of the plan for the following reason:

- Debtor failed to appear at the § 341 Meeting of Creditors

In order to complete his investigation into the Debtor's financial affairs, Trustee requires the following documentation:

- Form B21 and the Declaration re: Electronic Filing of Petition with original signatures;
- Verification of all sources of income received each month through confirmation of the plan;
- Evidence that property taxes and homeowners insurance premiums are current;
- Paystubs: December, February 26th, May 6th & 20th, June 17th. Profit and loss statements December through May.
- Bank Statements: BOA #4109 December and June 1st through 15th. BOA Savings #0831 December 1st through June 15th.

1 • Other: Provide documentation as to source of large deposits and use of funds: BOA 0828 1/22 Deposited \$700,  
 2 2/22 Deposited \$600, 3/31 NY teller transfer \$2100, 4/26 Transfer from Nestor Fernando \$750 & \$1000 on 5/4, 5/2  
 3 Deposited \$1100, 5/4 Deposited \$900, 5/11 Counter Credit \$3300. BOA #4109 1/7 Deposited \$500, 2/1 Deposited  
 4 \$1800, 2/12 Deposited \$1500, 3/7 deposited \$750, 3/8 Counter Credit \$ 750, 3/9 Deposited \$1250, 3/10 Deposited \$800,  
 5 3/17 Deposited \$2875, 3/17 Withdrew \$2250, 4/26 Counter credit \$1000, 4/28 Counter credit \$1398.66, 4/26 Withdrew  
 6 \$1000, 5/20 Counter credit \$1035.75, 5/23 Deposited \$1200, 5/27 Deposited \$2000, 5/31 deposited \$700, 5/31  
 7 Deposited \$650, 5/10 Costco purchase \$2865.96, 5/9-5/12 Caesars Windsor total purchase of \$2744.77, 5/23 Linq  
 8 \$1249.97, 5/20, 5/25, 5/26, 5/31 Rio withdrew total \$2782.94, 5/31 Withdrew \$500.

8 • Other: Provide written explanation of basis for disputing debts on Schedule D and F.

9 • Other: Copy of life insurance declaration page & premium statement for all policies.

10 Trustee asks that this Court allow him to supplement this opposition after all required documents have been  
 11 provided to the Trustee. In the event that the documents are not provided, Trustee requests that the case be dismissed  
 12 pursuant to § 521(a)(3).

13 Trustee requests that the following amendments are made:

- 14 • Schedule B to include bank account numbers and business.;
- 15 • Schedule J to state what expense on line 19 is for.;
- 16 • The Statement of Financial Affairs Line 28 must be completed for information on debtor's business.;

17 Trustee objects to the following exemptions claimed on Schedule C:

- 18 • Other: No exemption stated for real property.

19 These objections increase the Debtor's disposable income. Debtor's plan does not provide for all of Debtor's  
 20 disposable income, therefore Trustee requests that confirmation of the plan be denied.

21 Trustee further opposes confirmation for the following reasons:

- 22 • Plan does not provide for all secured and priority claims filed;
- 23 • Plan has not been properly served pursuant to Rule 2002;
- 24 • Other: Incorrect date for Pre-Confirmation hearing.
- Other: Section 1.12-Tax Refunds to be turned over 2016-2018.

- Other: Insufficient to pay 100% as stated in Plan.

Trustee reserves the right to make further objections to confirmation and requests for documentation until the above mentioned documents have been received, amendments have been made, and the plan is ultimately confirmed or dismissed. In the event that the Debtor(s) fail to timely resolve Trustee's objection to confirmation, Trustee requests that confirmation be denied and the case be dismissed.

Therefore, the Trustee objects to confirmation for the foregoing reasons and recommends that this case be dismissed.

DATED this 2nd day of August, 2016.

/s/ Rick A. Yarnall

RICK A. YARNALL

Chapter 13 Bankruptcy Trustee

701 Bridger Ave, Suite 820

Las Vegas, Nevada 89101

#### CERTIFICATE OF SERVICE

I hereby certify that I am an employee of RICK A. YARNALL, Chapter 13 Bankruptcy Trustee; that I am over the age of 18 years; and that on the 2nd day of August, 2016, I provided a copy of the Trustee's Opposition to Confirmation of Plan Combined With Trustee's Recommendation for Dismissal and Certificate of Service to each of

[ x ] a. **ECF System:**  
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